**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929**

**WP(C).No. 13205 of 2006(V)**
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**PETITIONER:**
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**N.P.RADHA, AGED 46 YEARS,**
**ASSISTANT TEACHER,**
**RADHAKRISHNA A.U.P. SCHOOL, MANIYOOR,**
**CHEKIKULAM, RESIDING AT `SURABHI',**
**PARIPPAYI, P.O.CHENGALAYI.**

**BY ADV. SRI.M.V.AMARESAN**
**SRI.V.N.RAMESAN NAMBISAN**

**RESPONDENTS:**
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1. **THE ASSISTANT EDUCATIONAL OFFICER,**
   **TALIPARAMBA.**

2. **THE MANAGER,**
   **RADHAKRISHNA A.U.P. SCHOOL,**
   **MANIYOOR, CHEKKIKULAM.**

3. **K.K.BHARGAVI,**
   **ASSISTANT TEACHER,**
   **RADHAKRISHNA A.U.P. SCHOOL,**
   **MANIYOOR, CHEKKIKULAM.**

**BY ADV. SRI.SUNIL V.MOHAMMED for R3**
**SRI.CIBI THOMAS for R2**
**BY GOVERNMENT PLEADER SRI. P.K.RAVIKRISHNAN for R1**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007 ALONG WITH WPC NO. 21471 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WPC.NO.13205/2006 V**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1: COPY OF REPRESENTATION DTD. 26/04/2006.**

**EXT.P1(A): COPY OF THE POSTAL ACKNOWLEDGEMENT CARD DTD. 27/04/06.**

**/TRUE COPY/**

**P.S.TO JUDGE**

*KSS*

**K. M. JOSEPH, J.**

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**W.P.C. NOS. 13205/06 V & 21471/07 F**

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**Dated this the 13th August, 2007**

**JUDGMENT**

These two Writ Petitions being common, they are disposed of by a common Judgment. Petitioner in both Writ Petitions is one and the same. In W.P.(C). No.13205/06, the case of the petitioner is that she is a Graduate Teacher having the requisite service and, therefore, claims the benefit of Rule 45. The third respondent is one Smt. Bhargavi who is the additional 4th respondent in W.P.(C). No.21471/07. The prayer is to declare that the petitioner is entitled to be appointed as Head Mistress. She seeks other reliefs in the same lines. According to petitioner, she should have been appointed as Headmistress with effect from 1.4.2006 granting all benefits. Thereafter, W.P.(C). No.21471/07 was filed wherein the prayer sought is for a declaration that the petitioner is entitled to be promoted to the post of Headmistress in the second respondent's School. A further declaration was sought that the first respondent is not

eligible to be promoted to the post of Headmaster. There is also a prayer to quash Ext.P2. Ext.P2 is an order passed by the Additional Director of Public Instruction dated 27.6.2007, as per which the first respondent was found to be fully qualified for the post of Headmaster, who is the senior most Graduate Teacher of the School and the Revision filed was allowed with a direction to the Manager to appoint the first respondent as Headmaster. I feel that Ext.P2 is revisable before the Government under Rule 92 of Chapter XIV A KER. Learned counsel appearing for the third respondent, Smt. Bhargavi in W.P.(C) No.13205/06 also points out that the said Smt. Bhargavi is a party to Ext.P2 and she also will challenge Ext.P2. In such circumstances, the Writ Petitions are disposed of relegating the parties to approach the Government under Rule 92 against Ext.P2. It is pointed out by Shri Sunil V. Mohammed that Smt. Bhargavi has been working as HM from 1.4.2006, but the appointment is not approved. Ext.P2 shall be kept in abeyance for a period of two weeks from today and thereafter, it is for the petitioner as also Smt. Bhargavi

to seek relief before the Government. If a revision is filed within ten days from today by any aggrieved party, the same will be disposed of in accordance with law after hearing all the affected parties, within a period of six weeks from the date of receipt of the Revision Petition.

**K. M. JOSEPH, JUDGE**

**kbk.**